

**CITY COUNCIL MEETING  
OCTOBER 29, 2002**

<b>Date &amp; Time</b>	On the 29 <sup>th</sup> day of October A.D., 2002, the City Council of the City of Fort Worth, Texas, met in regular session at 10:22 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:
<b>Attendance</b>	Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. With more than a quorum present, the following business was transacted.
<b>Invocation</b>	The invocation was given by Reverend Charlie Singleton, First Missionary Baptist Church.
<b>Pledge</b>	The Pledge of Allegiance was recited.
<b>Minutes</b>	On motion of Council Member Silcox, seconded by Council Member Lane, the minutes of the regular meeting of October 22, 2002, and of the special City Council meeting of October 15, 2002, were approved unanimously.
<b>Special Presentations</b>	<p>Council Member Moss presented a Proclamation for Animal Shelter Week to Dr. Scott Mellina of the Animal Shelter Advisory Committee. Letha Aycock, Health Department Assistant Director, introduced Martha York, President of the Humane Society of North Texas, and Mr. Jamie Cantrell, Operations Director.</p> <p>Council Member Lane presented a Proclamation for Women's National Final Rodeo Days to Mr. Hub Baker who introduced Ms. Mandy Shipsky, the second place World Champion Bull Rider.</p> <p>Council Member Wentworth presented a Proclamation for Marine Corps Week to Lt. Col. Becker and Sgt. Major Rice.</p>
<b>Withdrawn from Consent Agenda</b>	Council Member Silcox requested that Mayor and Council Communication Nos. G-13782 and G-13784 be withdrawn from the consent agenda.
<b>Continued/ Withdrawn By Staff</b>	City Manager Jackson requested that Mayor and Council Communication Nos. G-13777 and PZ-2420 be withdrawn, and that P-9690 be continued until November 26, 2002.

- Consent Agenda**      On motion of Council Member Silcox, seconded by Council Member Wentworth, the consent agenda, as amended, was adopted unanimously.
- Appointments**      Council Member Picht made a motion, seconded by Council Member Davis, to appoint Ms. Sally Allsup to Place 6 on the Historic and Cultural Landmarks Commission, and Ms. Elizabeth Pryor to Place 6 on the Community Development Council, effective October 29, 2002 and with terms expiring October 1, 2004. The motion carried unanimously. He further expressed appreciation to Frank Giles and E. Gerald Long for their services on the respective boards.
- Continued for One Week**      There was presented a resolution appointing members of the Fort Worth Transportation Authority Executive Committee. Council Member Silcox made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.
- OCS-1314 Claims**      There was presented Mayor and Council Communication No. OCS-1314 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.
- G-13766  
Ord. #15304  
Amended and  
Restated Project  
Financing Plans  
for Speedway  
TIF**      There was presented Mayor and Council Communication No. G-13766, dated October 15, 2002, from the City Manager recommending that the City Council adopt Ordinance No. 15304 approving Amended and Restated Project Financing Plans for Tax Increment Reinvestment Zone Number Two, City of Fort Worth, Texas (Speedway TIF); making various findings related to such amended and restated plans; clarifying the powers of the Board of Directors of the Zone; providing for severability; and providing an effective date. Council Member Lane made a motion, seconded by Council Member Moss, that the recommendation be adopted by amending the ordinance to include the addition of an Interest Reserve to the list of projects. The motion carried unanimously.
- G-13776  
Res. # 2882  
File Lawsuits to  
Finalize BSC Civil  
Penalty Order**      There was presented Mayor and Council Communication No. G-13776, dated October 22, 2002, from the City Manager recommending that the City Council:

- 1. Authorize the City Attorney's Office to file a lawsuit against the following property owners in order to finalize the Building Standards Commission (BSC) civil penalty order:**

NAME	PROPERTY
Armentha Hill	4416 Chicksaw Ave.
Boardwalk Land Development, Inc.	1039 Allen Ave.
Boardwalk Land Development, Inc.	2305 Garrison Ave.
Willie Nelson Farmer Estate	1605 Birdell St.
Glenn E. Kneeland	5716 Kirkpatrick Ave.
Willie Freeman Gaffney	3019 Refugio Ave.

- 2. Adopt Resolution No. 2882 authorizing the City Attorney to file lawsuits to finalize Building Standards Commission Civil Penalties orders pursuant to Chapter 54 and 214 of the Texas Local Government Code and Section 7-103 of the City Code.**

**Council Member Silcox made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.**

**G-13777  
Withdrawn**

**It was the consensus of the City Council that Mayor and Council Communication No. G-13777, Supplemental Appropriation Ordinance for the Insurance Fund and Transfer of Funds for the Purpose of Funding Insured Property and Liability Losses, be withdrawn.**

**G-13777  
REVISED  
Ord. #15305  
Insurance Fund  
Transfer for  
Funding Insured  
Property and  
Liability Losses**

**There was presented Mayor and Council Communication No. G-13777 Revised from the City Manager recommending that the City Council adopt Supplemental Appropriation Ordinance No. 15305 increasing the estimated receipts and appropriations in the Insurance Fund in the amount of \$234,406.74 from available funds due to subrogation and recovery from commercial insurance coverage, for the purpose of funding insured property and liability losses; and authorize the transfer of \$375,170.29 from the Insurance Fund to various funds. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.**

**G-13781  
Res. #2883  
File Lawsuit  
Against Karon  
Burrell-White**

**There was presented Mayor and Council Communication No. G-13781 from the City Manager recommending that the City Council authorize the City Attorney to file a lawsuit pursuant to Chapter 54 of the Texas Local Government Code against Karon Burrell-White, the owner of the property located at 7801 Acapulco Road, Fort**

Worth, Texas. A pool is located on the property and has a water depth of over two feet. This pool is not sufficiently enclosed by a fence or barrier that obstructs access to the pool. Also, the stagnant water allows the breeding and harborage of insects and emits foul odors; and adopt Resolution No. 2883 authorizing the City Attorney to file a lawsuit against Karon Burrell-White pursuant to Chapter 54 of the Texas Local Government Code. It was the consensus of the City Council that the recommendation be adopted.

**G-13782  
Ord. #15306  
Repayment of  
General Fund  
Prior Year  
Advances**

There was presented Mayor and Council Communication No. G-13782 from the City Manager recommending that the City Council adopt Supplemental Appropriation Ordinance No. 15306 increasing the estimated receipts and appropriations in the Municipal Airports Fund by \$373,675.00 and decreasing the unreserved retained earnings of the Municipal Airports Fund by \$373,675.00 for the purpose of repayment of General Fund prior year advances; and approve the transfer of \$373,675.00 from the Municipal Airports Fund to the Capital Projects Reserve Fund in FY2002.

Council Member Picht excused himself from the table at this time.

Assistant City Manager Boswell responded affirmatively to Council Member Silcox's inquiry if the final payment would be June 2003.

Council Member Silcox made a motion, seconded by Council Member Lane, that Mayor and Council Communication No. G-13782 be adopted. The motion carried unanimously.

**G-13783  
Reappointment  
of Civil Service  
Commissioner**

There was presented Mayor and Council Communication No. G-13783 from the City Manager recommending that the City Council confirm the reappointment of Ms. Marla Dena Lee for as a member of the City of Fort Worth Firefighters' and Police Officer's Civil Service Commission for a three-year term expiring October 1, 2005, or as required by Section 1.05 of the City of Fort Worth Firefighters' and Police Officers' Civil Service Rules and Regulations, until a successor is appointed, confirmed and qualified. It was the consensus of the City Council that the recommendation be adopted.

**G-13784  
Ord. #15307  
Ord. #15308**

There was presented Mayor and Council Communication No. G-13784 from the City Manager recommending that the City Council:

- 1. Adopt Appropriation Ordinance No. 15307 increasing the estimated receipts and appropriations in the Capital Projects Reserve Fund in the amount of \$150,000.00 from available funds for the purpose of funding sidewalk repairs and new construction; and**
- 2. Authorize the transfer of \$150,000.00 from the Capital Projects Reserve Fund to the Street Improvements Fund; and**
- 3. Adopt Appropriation Ordinance No. 15308 increasing the estimated receipts and appropriations in the Street Improvements Fund in the amount of \$150,000.00 from available funds for the purpose of funding sidewalk repairs and new construction.**

**Council Member Silcox stated that, although in favor of improving the City's sidewalks, he could not support taking money from of the Capital Projects Reserve Fund when the City did not reduce the tax rate for citizens of Fort Worth.**

**Council Member Haskin made a motion, seconded by Council Member Davis, that Mayor and Council Communication No. G-13784 be adopted. The motion carried by the following vote:**

**AYES: Mayor Barr; Mayor Pro tempore McCloud;  
Council Member Lane, Haskin, Moss,  
Wentworth, and Davis**

**NOES: Council Member Silcox**

**ABSENT: Council Member Picht**

**G-13785  
Settlement of  
Lawsuit Entitled  
Malinda Marie  
Spence v. City of  
Fort Worth,  
Texas, Cause  
No. 17-183600-  
00**

**There was presented Mayor and Council Communication No. G-13785 from the City Manager recommending that the City Council approve the settlement of the lawsuit entitled Malinda Marie Spence v. City of Fort Worth, Texas, Cause No. 17-183600-00; and authorize the payment of \$200,000.00 in settlement of the referenced lawsuit. It was the consensus of the City Council that the recommendation be adopted.**

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**G-13786  
Reimburse  
Youth Sports  
Council of Fort  
Worth, Inc.**

There was presented Mayor and Council Communication No. G-13786 from the City Manager recommending that the City Council authorize the City Manager to reimburse the Youth Sports Council of Fort Worth, Inc. for program services from September 1, 2002, through August 21, 2003, for the Youth Sports Program for Fiscal Year 2002-2003 in an amount not to exceed \$195,000.00. It was the consensus of the City Council that the recommendation be adopted.

**G-13787  
Ord. #15309  
Local Law  
Enforcement  
Block Grant  
Program, Year 7**

There was presented Mayor and Council Communication No. G-13787 from the City Manager recommending that the City Council authorize the City Manager to accept a grant award from the U.S. Department of Justice in the amount of \$926,326.00 for the period October 1, 2002, through September 30, 2004; and authorize the transfer of \$135,469.00 from the General Fund to the Grants Fund as the cash match to the Local Law Enforcement Block Grants (LLEBG) program; and authorize the use of interest earned in the amount of \$60,000.00; and approve an addendum to City Secretary Contract No. 27159; and adopt Appropriation Ordinance No. 15309 increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$1,121,795.00 subject to receipt of a grant from the U.S. Department of Justice, for the purpose of funding the Local Law Enforcement Block Grants (LLEBG) program, Year 7. Council Member Davis made a motion, seconded by Council Member Haskin, that the recommendation be adopted. The motion carried unanimously.

**P-9690 Revised  
Continued Until  
November 26,  
2002**

It was the consensus of the City Council that Mayor and Council Communication No. P-9690 Revised, dated October 22, 2002, Professional Services Contract with Avizion Technologies Group, Inc. to Provide Interim Mainframe Operating Environment Support for the Information Technology Solutions Department, be continued until November 26, 2002.

**P-9699  
Fine Paper and  
Envelopes**

There was presented Mayor and Council Communication No. P-9699 from the City Manager recommending that the City Council authorize a purchase agreement for fine paper and envelopes with Western Paper Company, Inc. for the City of Fort Worth based on the overall low bid with payment due 30 days after receipt of the invoice and shipping included in the unit price; and authorize this agreement to begin November 22, 2002, and expire November 21, 2003, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9700  
Chemical Toilet  
Rental**

There was presented Mayor and Council Communication No. P-9700 from the City Manager recommending that the City Council authorize a purchase agreement with BFI Waste Services of Texas, LP to provide chemical toilet rental for the City of Fort Worth based on an overall low bid of unit prices with payment terms of net 30 days with no freight costs; and authorize this agreement to begin November 12, 2002, and expire November 11, 2003, with options to renew for two successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9701  
Golf Resale  
Merchandise**

There was presented Mayor and Council Communication No. P-9701 from the City Manager recommending that the City Council authorize non-exclusive purchase agreements with multiple vendors for golf resale merchandise for the Parks and Community Services Department, Golf Division, with payments due 30 days from receipt of the invoice with freight cost included; and authorize these agreements to begin October 29, 2002, and expire October 28, 2003, with options to renew for three successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

Council Member Picht assumed his chair.

**P-9702  
Ord. #15310  
SMARTNET  
Remote Site  
Controller**

There was presented Mayor and Council Communication No. P-9702 from the City Manager recommending that the City Council adopt Appropriation Ordinance No. 15310 increasing the estimated receipts and appropriations in the Fire Services Fund in the amount of \$2,600,000.00 from available funds for the purpose of development of the Western Communications Tower; and authorize the City Manager to execute a sole source purchase agreement with Motorola Communications for a SMARTNET Remote Site Controller for the Western Communications Tower for the Information Technology Solutions Department at an estimated cost of \$38,639.00. Council Member Davis made a motion, seconded by Council Member Wentworth, that the recommendation be adopted. The motion carried unanimously.

**P-9703  
Mobile Data  
Computers**

There was presented Mayor and Council Communication No. P-9703 from the City Manager recommending that the City Council authorize the City Manager to purchase 520 mobile data computers from Motorola Communications for \$445,000.00. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

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|---|---|
| <b>L-13432<br/>Sale of Tax<br/>Foreclosure<br/>Properties</b> | <b>There was presented Mayor and Council Communication No. L-13432 from the City Manager recommending that the City Council approve the sale of thirteen surplus tax foreclosure properties to Habitat for Humanity in accordance with Ordinance No. 13533 for a total cost of \$14,121.00; and authorize the City Manager to execute the appropriate deeds conveying the properties to Habitat for Humanity and record the necessary documents. It was the consensus of the City Council that the recommendation be adopted.</b>           |
| <b>L-13433<br/>Permanent<br/>Utility Easement</b>             | <b>There was presented Mayor and Council Communication No. L-13433 from the City Manager recommending that the City Council approve the acceptance of one permanent utility easement described as Lot 1, Block 3, Queensboro Addition (3851 Crestline Road), Tarrant County, Texas, from Frank William Halphin, Jr., for a sanitary sewer rehabilitation project (DOE 3455) for a cost of \$10.00. It was the consensus of the City Council that the recommendation be adopted.</b>   |
| <b>L-13434<br/>Sale of Tax<br/>Foreclosure<br/>Properties</b> | <b>There was presented Mayor and Council Communication No. L-13434 from the City Manager recommending that the City Council approve the sale of seven surplus tax foreclosure properties to the Lake Como Area Council in accordance with Ordinance No. 13533 for a total cost of \$10,382.00; and authorize the City Manager to execute the appropriate deeds conveying the properties to the Lake Como Area Council, and record the necessary documents. It was the consensus of the City Council that the recommendation be adopted.</b> |
| <b>L-13435<br/>Permanent<br/>Easements</b>                    | <b>There was presented Mayor and Council Communication No. L-13435 from the City Manager recommending that the City Council approve the acceptance of four permanent easements described as A-1405, P. Schoonover Survey, Tarrant County, Texas, from the Regional Water District and Juanita Pinneda (DOE 3501) for a total cost of \$11.00. It was the consensus of the City Council that the recommendation be adopted.</b>  |
| <b>L-13436<br/>Ord. #15311<br/>Purchase of<br/>Property</b>   | <b>There was presented Mayor and Council Communication No. L-13436 from the City Manager recommending that the City Council adopt Appropriation Ordinance No. 15311 increasing the estimated receipts and appropriations in the Lake Worth Trust Fund, Lake Worth Leases Unspecified in the amount of \$17,000.00 from available funds for the purpose of funding the purchase of one parcel of property located at 8508 Marks Lane, Lot 11A, Block 2,</b>  |



Lakeland Addition, City of Fort Worth, Tarrant County, Texas; and authorize the transfer of \$17,000.00 from the Lake Worth Trust Fund, Lake Worth Leases Unspecified, to the Lake Worth Trust Fund, Lease Reclamation; and approve the purchase of Lot 11, Block 2, Lakeland Addition, Tarrant County, Texas for a full sale price of \$17,000.00; and authorize the City Manager to execute the appropriate documents to complete the purchase. It was the consensus of the City Council that the recommendation be adopted.

**L-13437  
Sale of Tax  
Foreclosure  
Properties**

There was presented Mayor and Council Communication No. L-13437 from the City Manager recommending that the City Council approve the sale of sixteen surplus tax foreclosure properties to the Near Southeast Community Development Corporation in accordance with Ordinance No. 13533 for a total cost of \$15,690.59; and authorize the City Manager to execute the appropriate deeds conveying the properties to the Near Southeast Community Development Corporation, and record the deeds. It was the consensus of the City Council that the recommendation be adopted.

**L-13438  
Sanitary Sewer  
Line Crossing**

There was presented Mayor and Council Communication No. L-13438 from the City Manager recommending that the City Council authorize the City Manager to enter into a pipeline license agreement supplement with Union Pacific Railroad Company for a sanitary sewer line crossing in South Fort Worth at Milepost 248.78, Dallas Subdivision, Tarrant County, Texas for a one-time cost of \$1,000.00. It was the consensus of the City Council that the recommendation be adopted.

**PZ-2420  
Withdrawn**

It was the consensus of the City Council that Mayor and Council Communication No. PZ-2420, dated October 1, 2002, Resolution Adopting Third Amendment to Annexation Plan to Add Approximately 1,920 Acres Located North and East of Boat Club Road and South of Bonds Ranch, Tarrant County, Texas, and Approximately 13,065 Acres Located West of IH35 and North and South of U.S. Highway 287, Tarrant County, Texas, be withdrawn.

**PZ-2420 Revised  
Res. #2884  
Third  
Amendment to  
Annexation Plan**

There was presented Mayor and Council Communication No. PZ-2420 Revised from the City Manager recommending that the City Council approve Resolution No. 2884 amending the City's annexation plan to identify approximately 1,238 acres located north and east of Boat Club Road and south of Bonds Ranch ("Eagle Mountain 8W and 10") and approximately 7,744 acres located west

of IH35 and north and south of U.S. Highway 287 ("287 Zone"), Tarrant County, Texas, as areas that may be annexed for full purposes after the third anniversary of the plan amendment. Council Member Wentworth made a motion, seconded by Council Member Davis, that the recommendation be adopted.

**Nancy Terrell**

Ms. Nancy Terrell, 5808 Azteca, appeared before Council in opposition of the annexation. She stated that she was a small business owner (at the original Hicks Airfield) in an area that had been fully developed for decades. She added that the small businesses in this area have struggled to stay in business and that annexation would impose restrictions that would cause them to close. She asked that Council omit this area from annexation.

Bob Riley, Development Director, stated that the Code allows an established business to continue operating under its current use once it was annexed. He added that Certificates of Occupancy would be issued once the property was inspected and any health or safety concerns eliminated.

City Manager Jackson directed Mr. Riley to have the Chief Building Inspector and Fire Marshal meet with Ms. Terrell and other concerned business owners at their request to address concerns relative to Code requirements and provide a report to Council by December 3, 2002.

The motion carried by the following vote:

**AYES:** Mayor Barr; Mayor Pro tempore McCloud;  
Council Members Lane, Haskin, Moss,  
Wentworth, and Davis

**NOES:** Council Members Silcox and Picht

**ABSENT:** None

**PZ-2430  
Encroachment  
in Right-of-Way  
for Overhead  
Cable**

There was presented Mayor and Council Communication No. PZ-2430 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with the Presbyterian Night Shelter located at 2400 Cypress Street authorizing use of the right-of-way for an overhead cable. It was the consensus of the City Council that the recommendation be adopted.

- PZ-2431**  
**Encroachment**  
**in Right-of-Way**  
**for Security**  
**Fence**
- There was presented Mayor and Council Communication No. PZ-2431 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with Caravan of Dreams, Inc. authorizing use of the right-of-way for the installation of a security fence behind (courtyard) the Reata Restaurant located at 320 Houston Street. It was the consensus of the City Council that the recommendation be adopted.
- C-19309**  
**Corrected**  
**TNG Services,**  
**Inc.**
- There was presented Mayor and Council Communication No. C-19309 Corrected, dated October 22, 2002, from the City Manager recommending that the City Council authorize the City to execute a contract with TNG Services, Inc. for the Como Pump Station 15 MGD (million gallons per day) Pump Replacement project on the low bid of \$118,000.00 and 200 calendar days. Council Member Davis made a motion, seconded by Council Member Wentworth, that the recommendation be adopted. The motion carried unanimously.
- C-19316**  
**Arts Council of**  
**Fort Worth and**  
**Tarrant County**
- There was presented Mayor and Council Communication No. C-19316 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with the Arts Council of Fort Worth and Tarrant County for \$104,500.00 to begin October 1, 2002, and expire September 30, 2003. It was the consensus of the City Council that the recommendation be adopted.
- C-19317**  
**Van Cliburn**  
**Foundation, Inc.**
- There was presented Mayor and Council Communication No. C-19317 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with the Van Cliburn Foundation, Inc. for \$62,500 to begin October 1, 2002, and expire September 30, 2003. It was the consensus of the City Council that the recommendation be adopted.
- C-19318**  
**Museum of**  
**Science and**  
**History**
- There was presented Mayor and Council Communication No. C-19318 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with the Museum of Science and History for \$478,800.00 to begin October 1, 2002, and expire September 30, 2003. It was the consensus of the City Council that the recommendation be adopted.

**C-19319  
Fort Worth  
Sister Cities  
International**

**There was presented Mayor and Council Communication No. C-19319 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Fort Worth Sister Cities International for \$305,686.00 to begin October 1, 2002, and expire September 30, 2003. It was the consensus of the City Council that the recommendation be adopted.**

**C-19320  
Change Order #1  
to CSC #27804 -  
Gibson &  
Associates, Inc.**

**There was presented Mayor and Council Communication No. C-19320 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 1 to City Secretary Contract No. 27804 with Gibson & Associates, Inc. in the amount of \$152,825.30 for the repair of the East First Street Bridge over the West Fork of the Trinity River for 30 working days, thereby increasing the total contract amount to \$420,625.30. It was the consensus of the City Council that the recommendation be adopted.**

**C-19321  
Ord. #15312  
M.E. Burns  
Construction,  
Inc.**

**There was presented Mayor and Council Communication No. C-19321 from the City Manager recommending that the City Council:**

- 1. Authorize the transfer of \$750,414.50 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$682,898.25, and the Sewer Capital Project Fund in the amount of \$67,516.25; and**
- 2. Adopt Appropriation Ordinance No. 15312 increasing the estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$682,898.25 and the Sewer Capital Project Fund in the amount of \$67,516.25 from available funds for the purpose of funding a contract with M.E. Burns Construction, Inc. for Water and Sewer Replacement Contract 2001 STM-K; and**
- 3. Authorize the City Manager to execute a contract with M.E. Burns Construction, Inc. in the amount of \$677,414.50 for Water and Sanitary Sewer Replacement Contract 2001 STM-K.**

**It was the consensus of the City Council that the recommendation be adopted.**

**C-19322  
Ord. #15313  
Ord. #15314  
TxDOT**

**There was presented Mayor and Council Communication No. C-19322 from the City Manager recommending that the City Council:**

- 1. Authorize the City Manager to accept the contract with the Texas Department of Transportation (TxDOT) to continue to operate the Wave STEP (Selective Traffic Enforcement Program) from November 15, 2002, through September 30, 2003, on an overtime basis in the amount of \$145,467.00 (state \$13,000.00, City \$1,467.00); and**
- 2. Adopt Appropriation Ordinance No. 15313 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$14,467.00 from available funds, for the purpose of funding the Wave Selective Traffic Enforcement Program (STEP); and**
- 3. Adopt Appropriation Ordinance No. 15314 increasing appropriations in the Federal Awarded Assets Fund in the amount of \$1,467.00 and decreasing the Undesignated, Unreserved Fund balance by the same amount, for the purpose of funding the City's cash match of a contract with the Texas Department of Transportation (TxDOT) for the continued operation of the Wave Selective Traffic Enforcement Program (STEP); and**
- 4. Authorize the transfer of \$1,467.00 from the Federal Awarded Assets Fund to the Grants Fund for the City's cash match; and**
- 5. Authorize the City Manager to waive the indirect cost in the amount of \$2,143.00, since indirect costs are not allowed by TxDOT.**

**It was the consensus of the City Council that the recommendation be adopted.**

**C-19323  
Ord. # 15315  
YMCA of  
Metropolitan  
Fort Worth and  
Camp Fire USA  
First Texas  
Council**

**There was presented Mayor and Council Communication No. C-19323 from the City Manager recommending that the City Council:**

- 1. Authorize the City Manager to apply for and accept, if awarded, a grant from the Criminal Justice Division of the Office of the Governor of Texas in the amount of \$104,297.00 to operate the Diamond Hill Connection After-School Program from September 1, 2002, to August 31, 2003; and**

- 2. Adopt Appropriation Ordinance No. 15315 increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$104,297.00 from available funds, subject to receipt of a grant from the Criminal Justice Division of the Office of the Governor of Texas, for the purpose of funding the Diamond Hill Connection After-School Program; and**
- 3. Authorize the City Manager to designate Joe Paniagua, Assistant City Manager, as the authorized official for the Diamond Hill Connection After-School Program to accept, reject, or alter this grant, if awarded; and**
- 4. Authorize the City Manager, contingent upon receipt of the grant award, to execute contracts with the YMCA of Metropolitan Fort Worth in an amount not to exceed \$69,367.00, and Camp Fire USA First Texas Council in an amount not to exceed \$34,930.00, to conduct the Diamond Hill Connection After-School Program.**

**It was the consensus of the City Council that the recommendation be adopted.**

**C-19324  
Amend CSC  
#27948 -  
Tarrant County**

**There was presented Mayor and Council Communication No. C-19324 from the City Manager recommending that the City Council authorize the City Manager to amend the Interlocal Agreement with Tarrant County (City Secretary Contract No. 27948) extending the expiration date of the Agreement from October 31, 2002, to April 30, 2003. Council Member Lane made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.**

**C-19325  
Ramey Avenue,  
L.P.**

**There was presented Mayor and Council Communication No. C-19325 from the City Manager recommending that the City Council authorize the City Manager to execute a Community Facilities Agreement with Ramey Avenue, L.P. for the installation of community facilities for Ramey Place Addition; and authorize the City Manager to deviate from the current policy by allowing a Letter of Credit for 100 percent rather than 125 percent in the Policy for Installation of Community Facilities Agreement, and allow monthly withdrawals on the Letter of Credit. Council Member Moss made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.**

**C-19326  
Continued for  
One Week**

**There was presented Mayor and Council Communication No. C-19326 from the City Manager recommending that the City Council:**

- 1. Authorize the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) and Burlington Northern Santa Fe Railroad (BNSF) to close the railroad crossing on East Fourth Street to vehicular and pedestrian traffic in which TxDOT would pay the City up to \$7,000.00 for the necessary improvements for the closure; and**
- 2. Authorize the City Manager to enter into a Real Estate Donation Contract with BNSF for a .0276 acre tract on the corner of Elm Street and East Fourth Street to be donated to the City as dedicated park land; and**
- 3. Authorize the City Manager to accept a \$32,500.00 donation from BNSF in consideration of the closure of the railroad crossing to be used for the installation of a fence along 500 feet of the railroad tracks, park design and development, and closure of the railroad crossing; and**
- 4. Adopt an ordinance vacating a portion of the 400 block of East Fourth Street located in the M. Baugh Survey, Abstract No. 106, Tarrant County, Texas; and**
- 5. Adopt an ordinance vacating a portion of the 500 block of Terry Street, east of Lot 2R, Block 89 of the Original Town of Fort Worth and part of the M. Baugh Survey, Abstract No. 106, Tarrant County, Texas; and**
- 6. Adopt an appropriation ordinance increasing the estimated receipts and appropriations in the Parks and Community Services Improvements Funds in the amount of \$40,000.00 from available funds for the purpose of funding the closure of the railroad crossing at East Fourth Street and Terry Street.**

**Council Member Davis made a motion, seconded by Council Member Lane, that Mayor and Council Communication No. C-19326 be continued for one week. The motion carried unanimously.**

**Public Hearing  
1825 Carver  
Avenue  
HS-02-42**

It appeared that the City Council, at its meeting of October 1, 2002, continued the public hearing for Appeal of the Order of the Building Standards Commission regarding 1825 Carver Avenue. Mayor Barr asked if there was anyone present desiring to be heard.

Council Member Silcox excused himself from the table at this time.

Mr. Carl Smart, Code Compliance Director, appeared before Council, gave a staff report regarding property located at 1825 Carver Avenue, and requested that Council uphold the decision of the Building Standards Commission to repair or demolish the structure.

There being no one present desiring to be heard in connection with the Appeal of the Order of the Building Standards Commission regarding 1825 Carver Avenue, Mayor Pro tempore McCloud made a motion, seconded by Council Member Davis, that the public hearing be closed and that Council uphold the decision of the Building Standards Commission to repair or demolish the structure. The motion carried by the following vote:

**AYES:** Mayor Barr; Mayor Pro tempore McCloud;  
Council Members Lane, Haskin, Moss,  
Picht, Wentworth, and Davis

**NOES:** None

**ABSENT:** Council Member Silcox

Council Member Silcox assumed his chair.

**Public Hearing  
3206 Refugio  
Avenue and  
Rear Structure  
HS-01-336**

It appeared that the City Council set today as the date for a public hearing for Appeal of the Order of the Building Standards Commission regarding 3206 Refugio Avenue and Rear Structure. Mayor Barr asked if there was anyone present desiring to be heard.

Mr. Carl Smart, Code Compliance Director, appeared before Council, gave a staff report regarding property located at 3206 Refugio Avenue and Rear Structure, and stated that the lawyer for the owner of the property had requested that Council continue the hearing until November 26, 2002.



**Greg Jackson**      **Mr. Greg Jackson, appeared before Council and requested their favorable consideration to continue the public hearing until November 26, 2002.**

**There being no one else present desiring to be heard in connection with the Appeal of the Order of the Building Standards Commission regarding 3206 Refugio Avenue and Rear Structure Avenue, Council Member Lane made a motion, seconded by Council Member Davis, that the public hearing be continued until November 26, 2002. The motion carried unanimously.**

**Citizen  
Presentations  
Kim Polonczyk**      **Mr. Kim Polonczyk, 609 Bridgewood Circle #608, appeared before Council relative to alleged property damage and unresponsiveness of the Police Department. Mayor Barr asked City Manager Jackson to provide a written report to Council addressing Mr. Polonczyk's concerns.**

**Delilah Scott**      **Ms. Delilah M. Scott, 1470 E. Morphy Street, appeared before Council and asked their assistance to rehabilitate her neighborhood. Mayor Pro tempore McCloud stated that this neighborhood was a prime candidate for the Model Blocks Program.**

**Edward Briscoe**      **Mr. Edward Briscoe, Jr., 2240 Briardale Road, appeared before Council relative to industrialized housing and illegal dumping in his neighborhood. He asked for Council's assistance in developing an amendment to existing State legislation to abate these concerns.**

**Council Member Davis stated that she would like to see a cooperative effort between the City and State representatives to discuss these issues with concerned residents and develop legislation regarding certain restrictions relative to the placement of industrialized housing.**

**Council Member Haskin asked that Mr. Briscoe also contact State Representative Bill Carter with his concerns.**

**Executive  
Session**      **It was the consensus of the City Council that they recess into Executive Session at 11:48 a.m. to:**

- 1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:**

- a) Martinez, et al v. City of Fort Worth Water Department, Cause No. 02-CV-2286;**
- b) Fred Rogers v. City of Fort Worth, Cause No. 17-177711-99;**
- c) Bradley W. Hickey, et al vs. The City of Fort Worth, Texas, Cause No. 348-185345-00;**
- d) Legal issues concerning any item listed on today's City Council meeting agenda; and**

- 2. Discuss the purchase, exchange, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and**
- 3. Deliberate concerning economic development negotiations as authorized by Section 551.086 of the Texas Government Code; and**
- 4. Deliberate the deployment, or specific occasions for implementation of security personnel or devices in accordance with Section 551.076 of the Texas Government Code.**

**Reconvened            The City Council reconvened into regular session at 12:40 p.m.**

**Adjournment        There being no further business, the meeting was adjourned at 12:40 p.m.**